

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 386

Introduced by Senator Harman

February 15, 2011

~~An act to amend Section 5003.17 of the Public Resources Code, relating to state parks. An act to add and repeal Section 5080.42 of the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 386, as amended, Harman. State parks: ~~leasing of real property.~~
proposed closures: operation and maintenance contracts.

~~Existing~~

~~(1) Existing law authorizes the Department of Parks and Recreation to lease, for any use, all or any portion of any parcel of real property acquired for state park system purposes if the Director of Parks and Recreation finds that the use would be compatible with the use of the real property as a unit or part of a unit and with the sound management and conservation of resources within the unit, and prescribes terms and conditions for the lease of the real property enter into agreements between the department and federal and local governments and other public agencies for the care, maintenance, administration, and control of lands under the jurisdiction of any party to this agreement for the purpose of the state park system, as prescribed.~~

~~This bill would make technical, nonsubstantive changes in those provisions.~~

~~This bill would prohibit the department, until June 30, 2013, from closing any unit of the state park system, unless the department provides written notice to the Legislature of the proposed closure, and has~~

prepared an invitation to bid for a contract for the operation and maintenance of the unit of the state park system, as specified.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 5080.42 is added to the Public Resources*
2 *Code, to read:*

3 *5080.42. (a) The department shall not close any unit of the*
4 *state park system, unless the department complies with both of the*
5 *following requirements:*

6 *(1) Provides written notice to the Legislature of a proposed*
7 *closure of a unit of the state park system.*

8 *(2) Has prepared an invitation to bid for a contract for the*
9 *operation and maintenance of a unit of the state park system that*
10 *is proposed to be closed, consistent with the requirements of this*
11 *article, within 30 days from the date that the department provided*
12 *notice to the Legislature pursuant to paragraph (1) of the proposed*
13 *closure.*

14 *(b) If the department is unable to find a responsible bidder for*
15 *a contract to operate and maintain a unit of the state park system*
16 *that is proposed to be closed pursuant to subdivision (a), it may*
17 *consider bundling a contract or contracts for one or more units*
18 *of the state park system, if it is in the best interests of the state to*
19 *do so.*

20 *(c) The department shall also consider offering a contract for*
21 *bid for the operation and maintenance of a unit of the state park*
22 *system that is not proposed to be closed, but for which the*
23 *department has proposed to reduce the park unit's operating hours.*

24 *(d) Any contract entered into pursuant to this section shall*
25 *include all of the following:*

26 *(1) A requirement that the operator of the unit of the state park*
27 *system maintain the resource values and overall natural character*
28 *of the unit.*

29 *(2) If the commission has approved a general development plan*
30 *for the unit of the state park system, a requirement that the unit*
31 *be maintained and operated consistent with that plan.*

1 (3) *A clause prohibiting the construction of facilities at a unit*
2 *of the state park system without the authorization of the*
3 *department.*

4 (e) *This section shall become inoperative on June 30, 2013,*
5 *and, as of January 1, 2014, is repealed, unless a later enacted*
6 *statute, that becomes operative on or before January 1, 2014,*
7 *deletes or extends the dates on which it becomes inoperative and*
8 *is repealed.*

9 SEC. 2. *This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety within*
11 *the meaning of Article IV of the Constitution and shall go into*
12 *immediate effect. The facts constituting the necessity are:*

13 *In order that statutory changes are made to allow the*
14 *Department of Parks and Recreation to enter into contracts to*
15 *reduce the operating and maintenance costs at units of the state*
16 *park system at the earliest possible time, it is necessary that this*
17 *act take effect immediately.*

18 ~~SECTION 1. Section 5003.17 of the Public Resources Code~~
19 ~~is amended to read:~~

20 ~~5003.17. (a) The department may lease, for any use, all or any~~
21 ~~portion of any parcel of real property acquired for state park system~~
22 ~~purposes if the director finds that the use would be compatible~~
23 ~~with the use of the real property as a unit or part of a unit and with~~
24 ~~the sound management and conservation of resources within the~~
25 ~~unit.~~

26 ~~(b) Rent shall be based on the fair market value of the property~~
27 ~~when it is used for the purpose for which it is leased. All rent shall~~
28 ~~be deposited in accordance with Section 5010.~~

29 ~~(c) The lease term shall not exceed 10 years. All leases are~~
30 ~~subject to the approval of the Department of General Services.~~

31 ~~(d) No lease shall be entered into that extends beyond the~~
32 ~~10-year period unless the Legislature has reviewed and approved~~
33 ~~the proposed lease as part of the annual budget process, or the~~
34 ~~Public Works Board has determined that the proposed lease could~~
35 ~~not have been presented to the Legislature for review and approval~~
36 ~~in the course of its consideration of the Budget Bill and that it~~
37 ~~would be adverse to the interests of the public to defer that review~~
38 ~~and approval to a time when the Legislature next considers a~~
39 ~~Budget Bill. Upon making that determination, the board may~~
40 ~~review and approve the proposed lease after providing at least 20~~

1 ~~days' written notice to the Chairperson of the Joint Legislative~~
2 ~~Budget Committee and to the chairperson of the fiscal and~~
3 ~~appropriate policy committees of its intended action. All actions~~
4 ~~taken by the board pursuant to this subdivision shall be reported~~
5 ~~to the Legislature in the next Governor's Budget.~~

O